

## ADMIRAL GHERARDI IS DEAD.

RETIRED NAVAL OFFICER DIES IN STRATFORD, CONN.

End Came Peacefully After a Short Illness—Long Career in the Service of the Country's Navy—Was a Nephew of the American Historian George Bancroft.

BRIDGEPORT, Conn., Dec. 10.—Rear Admiral Gherardi, retired, died of nephritis at 2 o'clock this afternoon, at his home in Stratford, Conn. He had been near death for thirty-six hours. The end came without a struggle. His two sons were at his bedside.

With only two years lacking to complete an even half century of active service in the navy, Rear Admiral Gherardi was put on the retired list, having reached the age limit in November, 1894. He was at that time in command of the Brooklyn navy yard, his last conspicuous appearance in active service having been when he had command of the combined fleets at the great naval review in 1883. Admiral Gherardi was born in Jackson, La., Nov. 10, 1832, but was appointed to the Annapolis Naval Academy from Massachusetts. It was through the influence of his uncle, George Bancroft, the historian, that he received the appointment, which came to him on the 29th of June, 1849. Mr. Bancroft was then, under President Polk, Secretary of the Navy, and it was he who designed and established the Naval Academy at Annapolis on the lines of the military school at West Point.

As a midshipman Admiral Gherardi's first service was on the Ohio in the Mexican War, his cruise on this vessel lasting nearly four years. After that he served on the Saratoga of the home squadron. He cruised later in the Mediterranean, and in 1855 was made master and lieutenant. He was navigating officer of the Niagara at the laying of the first Atlantic cable in 1858. In 1860 he became Lieutenant-Commander and while attached to the South Atlantic blockading squadron was first engaged in active war at Fort Mifflin. Later he joined the Mohican on special service. His first command was the Choctaw of the West Gulf blockading squadron, and then the Fort Royal he took an active and conspicuous part in the battle of Mobile Bay. In this action, by order of Capt. Denkins, to whose vessel, the Richmond, he was attached, he lashed the rebel gunboats Morgan, Gaines and Selma, drawing their fire from the United States fleet and materially assisting in the victory.

He commanded the Pequot on the North Atlantic until the close of the War of the Rebellion and, becoming Commander in July, 1869, was stationed at the Philadelphia Navy Yard, where he remained until 1870.

In August, 1887, he was promoted to Rear Admiral and ordered to the command of the New York Navy Yard. In 1889 he became senior member of the North Atlantic squadron, and, after a three years' cruise, was selected to lead, on special service, a squadron of the fleet to the Baltimore, San Francisco, Charleston, Boston and Yorktown, then comprising the flower of the United States Navy. Admiral Gherardi died at his home, 216 Jefferson avenue, Brooklyn, at the age of seventy-one.

## Obituary Notes.

James R. Davies, who was a possessor of one of the famous "stairway" houses, died on Wednesday in his home at 216 Jefferson avenue, Brooklyn, at the age of seventy-one. He came from England in early life and had been active in Republican politics since the organization of the party. He was the first tax inspector appointed by the Government and retained the place until eight years ago, when he became general agent of the Shipman Electric Purifying Company. He had been in the service of New York before settling in Brooklyn twelve years ago. His wife survives him. The funeral services will be held at his late home.

Another Grace of the Order of the Eastern Star died yesterday in the convalescence of an illness, at the age of 82. She was born in County Down, Ireland, and was educated in France. She was a brilliant linguist, speaking Latin, Greek, French, Spanish, Italian and English. She made her novitiate at the feet of the founders of the order, the Rev. Father John J. Sullivan, who was a member of the Dominican Order. She was moved to New Orleans in 1858, and had been there ever since. She was a devoted Catholic, and of her two brothers, one is a Catholic priest, the other a Protestant minister. The entire family having devoted themselves to religion.

Albert J. Wise, a lawyer at 25 Pine street, died yesterday from acute bronchitis at his residence, 535 West 122nd street. He was born in Lima, Ohio, in 1820 and came to New York in 1840. He was president of the J. H. Bunnell Company, makers of electrical instruments, president of the New York Telephone and Electrical Company, and a member of the law firm of Quackenbush & Wise. He was an enthusiastic yachtsman, and belonged to the New York Yacht Club, the New York Club, the Atlantic Yacht Club and the New York Boat Club. He was the owner of the steam yacht Chetolah. He leaves a widow.

Samuel Greenwood, one of the best known real estate dealers in Chester, Pa., died yesterday morning at his home, 216 Clarkson street, at the age of 63 years. He was born in Oldham, England, on Sept. 5, 1840, and went to Chester when 11 years old. He was graduated from the University of Pennsylvania in 1861, and was principal of the Valatie High School of Kingston, N.Y., and was manager of the Domestic Sewing Machine Company in New York for seven years. He was prominent in the municipal affairs of Chester for years.

Patrick McGee had served for nearly forty years as chief engineer in the Kings county buildings in Flatbush, died yesterday morning at his home, 216 Clarkson street, at the age of sixty-two years. He was prominent in Democratic politics in the old town of Flatbush, and served as chief engineer for two years. He was also a United States inspector of foreign steam vessels for four years.

Joseph S. Stanford, a veteran of the civil war, died on Wednesday at his home, 216 Clarkson street, at the age of 63 years. He was born in Orange, Va., enlisted during the war in the 10th Virginia Cavalry, and was a prisoner for eight months at Andersonville. He fought in the battle of Gettysburg. His wife and two children survive him.

James R. Stevens, who died at Chester, Orange county, N.Y., on Wednesday, was a member of the Assembly of 1853-54. He had been Justice of the Peace of the county and Justice of the Peace six or seven years. He was a farmer and died on the farm where he was born.

Mrs. Margaret Dawkins, widow of the Rev. Charles Dawkins, formerly of her home in Princeton, N.J., died yesterday at her home in Princeton, N.J., at the age of 63 years. She is survived by one son, who is a student at Princeton University.

John S. Halladay died of paralysis yesterday afternoon at his home, 37 Duncan avenue, Jersey City, N.J. He was a former member of the Jersey City Police Board and of the Hudson County Board of Freeholders. He was 61 years old.

Norborne T. N. Robinson, a veteran of the civil war, in which he was with Major General Sherman, died at his home in Washington on Wednesday at the age of 68 years.

Daniel Allen, Chief of Police of Olean, N.Y., died yesterday. He was 50 years old and had been connected with the department nearly nineteen years.

## YOUNG WENTZ NOT FOUND.

Denial of a Reported Rescue From a Band of Kidnappers.

PHILADELPHIA, Dec. 10.—Renewed reports from Bristol, Tenn., that Edward L. Wentz, the missing Philadelphia millionaire, had been found were denied today by members of the Wentz family and by the detective agency in charge of the search. Wentz has been missing since the latter part of September. He started to ride from his office in Big Stone Gap, Va., to visit a mine, and was never heard of again. His horse was found running loose on a mountain road. Rewards aggregating \$35,000 have been offered by his father, who lives in West Philadelphia.

The Pinkerton Detective Agency has entire charge of the search. Mr. Bearce, the local chief, said today: "We still believe we will find Wentz, but until he is found I will make no guess as to whether he was kidnapped or not. I can state positively that he has not yet been found."

## WONT AFFECT OUR 8-HOUR LAW.

L. Lafin Kellogg on the U. S. Supreme Court's Labor Decision.

The lawyers who represented respectively the contractors and the unions when the New York Eight Hour law was declared unconstitutional by the Court of Appeals do not agree about the bearing on this law of the recent decision of the United States Supreme Court upholding the Kansas Eight Hour law. The full text of this decision was received here yesterday.

L. Lafin Kellogg, who represented the contractors in the Eight Hour law test in this State, says that the Kansas decision has no bearing on the law as laid down by the New York Court of Appeals and that the two laws are very dissimilar. C. C. Alden, who appeared for the unions, says there is so strong a resemblance between the two State laws that the decision of the United States Supreme Court directly affects the status of the Eight Hour law here.

After reading the decision carefully, Mr. Kellogg said to a SUN reporter last night:

"This decision is based upon the point that the Kansas statute is not in violation of the liberty clause of the United States Constitution. It makes a distinction between private and public contracts and holds that the State has a right to establish terms of agreement for municipalities. The labor statutes of Kansas and New York are not similar in these terms. The exact dissimilarity cannot point out without going over the two statutes."

"I am of the opinion that the law as laid down by the Court of Appeals of this State in the case in which the prevailing rate of wages section, the cut stone section and the eight hour section are declared unconstitutional, has not been changed or modified in any way by the United States Supreme Court and the Kansas decision."

"I know of no case now pending which would take the United States Supreme Court. I do not think that court would interfere with the construction placed here upon the statute. In his opinion, the decision on the Kansas law would undoubtedly affect the Eight Hour law of this State. The two statutes, he said, were very similar."

"The Court of Appeals has not yet passed directly on this vital question: May a contractor be punished by his contract with the State with a municipality made subsequently to June, 1897, has stipulated that he will require not more than eight hours labor a day, but who has willfully violated that stipulation?"

He said he believed that the Eight Hour law, which was still observed in this municipality, is still operative.

## GAFFNEY AND MURPHY WIN.

City Can't Out Them From Their Pier at West Seventy-ninth Street.

Justice Davis of the Supreme Court sustained yesterday the demurrer interposed by the New York Contracting and Trucking Company to the answer filed by the Corporation Counsel on behalf of the city, in the suit brought by the company to restrain Dock Commissioner Hawkes from cancelling the lease held by the company of the pier at the foot of West Seventy-ninth street.

The pier was leased by the New York Dock Board to the company of which Alderman Gaffney and John J. Murphy, a brother of Charles F. Murphy, are the heads. In December, 1902, Mr. Hawkes, principally on the ground that the rental was absurdly inadequate, endeavored to oust the company. The company brought suit and got a temporary injunction. Subsequently the Corporation Counsel served an answer setting forth several defenses. One was that under the contract providing for the Riverside Park improvements the Dock Commissioner had the right to take possession of the pier.

His complications followed, one of which was the arrest of Alderman Gaffney for violation of the clause of the Charter providing for the improvement of the pier. Justice Bischoff held that Gaffney had not committed an offense and discharged him. Justice Davis says that the defense that the pier was wanted for improvements does not hold good, because the act did not give the city authority to cancel the lease. The plan of the city, as a Corporation Counsel Delany, as he will be after Jan. 1, will undoubtedly not appeal against the decision of Justice Davis. This will mean the end of the attempt to deprive Gaffney and Murphy of their valuable dock privileges.

## COP DELAYED THE MAILS.

Arrested Two Men on a Mail Wagon for Not Moving Fast on the Bridge.

Patrolman Merrill of the Bridge police has got himself into trouble with the United States Government, and last night he was wishing that Uncle Sam's mail wagons had never been invented. George Banerman, the driver of a mail wagon, and Frank N. Cummings, a clerk in the Post Office, were sent to the General Post Office in Manhattan yesterday. They returned to Brooklyn across the Bridge. To keep up to schedule time Driver Banerman drove on the Brooklyn tracks. The horse was going as fast as an approaching car, and Patrolman Merrill ordered Banerman to get off the tracks and not obstruct traffic.

Banerman replied in a manner that was not pleasing to Merrill and the latter said he would place Banerman under arrest. Banerman called Merrill's attention to the fact that he was only an employee of the municipal government, while he, Merrill, represented the United States Government.

"Put that in your pipe and smoke it," Banerman is said to have remarked to Merrill.

Merrill jumped on the mail wagon and placed both Banerman and Cummings under arrest. The driver and clerk were taken to the United States mails and word was immediately sent to Assistant Postmaster Newcomb and United States Assistant District Attorney O'Connor, who journeyed to the Adams street police court. The men pleaded not guilty and the hearing was adjourned until Dec. 17.

## "THE STAR SPANGLED BANNER."

Confederate Veterans Say a Garbled Version Aimed at the South is Being Used.

NEW ORLEANS, Dec. 10.—The New Orleans Camp of Confederate Veterans has appointed a committee to call the attention of the School Board of Louisiana to the fact that the third stanza of "The Star Spangled Banner" as published in all school and musical books used in public schools of the country is not really a part of the song as written by Francis Scott Key, but is a sectional addition to it, aimed at the South, and added to the poem during the bitterness of the civil war.

The attention of the School Board was called to these facts and it was asked to prohibit the use of the published version of this altered "Star Spangled Banner." A similar appeal will be made to the other educational boards of the Southern States.

The third stanza of "The Star Spangled Banner" as given in the "Library of American Literature," with "text slightly revised by comparison with the facsimile of a copy made by the author in 1840."

And there is that band who so vauntingly swore

That the havoc of war and the battle's confusion

A home and a country should leave us no

Their blood has wash'd out their foul steps'

No refuge could save the hireling and slave

From the terror of night or the gloom of the day

And the star spangled banner in triumph

Doth wave o'er the land of the free and the home of the brave.

## SEA TOOK OCEANIC JACKPOT.

GRABS THROUGH THE PORT-HOLES AT A POKERPARTY.

Women Who Came Over by the Big Ship Say That Several Marriage Engagements Were Made From This Party—Night Hon. Horace Plunkett Arrives.

Passengers who got back to New York yesterday on the White Star liner Oceanic, which reached the bar Wednesday night too late to dock, told stories of great seas that climbed aboard the great steamship in the first three days out from Liverpool and of some of the remarkable things they did.

One big wave reached into the smoking room on the second day out and took a good sized jackpot. Another comber knocked a steward downstairs and the steward picked himself up uninjured.

The poker game was drenched out on Friday night. It was at its most interesting stage, with about \$55 in the pot, when there was a rush of water through the port-holes. Several barrels of brine were poured over the surprised players and the food washed jackpot and chips from the table. The players bolted to escape another wetting. Afterward they recovered some of the cash and after getting into dry clothes they resumed the game.

Several engagements were announced on the passage over, according to women passengers, who would not tell the names of any of the happy lovers.

Among those who came on the Oceanic was Commander Booth Tucker of the Salvation Army, his daughter and his secretary, Capt. Wright. The party traveled second cabin, the Commander explaining that he always travels as economically as possible. He said that he had gathered while in England some material for a life of his late wife.

Some of the other passengers were the Right Hon. Horace Plunkett, vice president of the Irish Agricultural and Industrial Institute, who comes to arrange for the Irish agricultural exhibit at St. Louis, Forbes Dawson, the Irish lawyer who will see New York managers about plays; Henry Phillips, the steel man; Lord and Lady Monson, Sir Westman Pearson and Theodore de Larosiere.

## JURY READY FOR MRS. PARKER.

The Prisoner as Well Dressed as if She'd Never Seen a Cell.

The twelve jurors were selected yesterday to try Mabel Singley, alias Parker, the twenty-two year old bride who is charged with forgery. As soon as the box was filled Judge Cowing adjourned court. The hearing of testimony will begin this morning.

Justice Davis says that the defense of the Irish Republican organization, which is charged with the forgery, is a matter of internal politics and that the court will not interfere.

There may be defects in these organizations, but they are not to be interfered with by the court. The court will not interfere with the internal politics of the Irish Republican organization.

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## BOSS ODELL ANGERS KINGS.

SCHEME TO FORCE HIS COUSIN LAIMBEER INTO POWER.

Can He Unseat Jacob Brenner as Chairman of the Executive Committee and Shove His Own Relative Into Bitter Factional Fight Already in Sight.

Republicans of both high and low degree in Brooklyn are commenting unfavorably on the first move of Gov. Odell as the new party boss, so far as their organization is concerned. Entirely ignoring ex-Lieut.-Gov. Timothy L. Woodruff, he summoned Deputy Fire Commissioner Richard H. Laimbeer, Jr., the assistant committee man from the Third Assembly district, who happens to be related to him, and a dozen or more district leaders to Albany to give them instructions in regard to the choice of a chairman of the new executive committee.

As the head of the organization, Mr. Woodruff made the formal announcement last week that Jacob Brenner would be unanimously re-elected chairman, and his prediction was carried out to the letter at the first meeting of the committee on Tuesday night. The Odell programme, as given out at Albany, was to have the election of a chairman postponed until Mr. Brenner's qualifications had been subjected to a sifting process.

This would have been a virtual effacement of Mr. Woodruff as the recognized chief manager of the Republican forces in Kings county, and he and his friends put up such an emphatic kick that Gov. Odell consented "to the immediate election of Brenner, which was accomplished within five minutes and succeeded by roars of laughter over the farcical political performance."

Whispers were going around in political circles yesterday that the Governor felt very sore over the doings of the executive committee, and that he was determined to dictate not only to party politicians in Kings county, but throughout the State.

At the same time there is a sure to be in hostility to the choice of Laimbeer as head of the executive committee, even if he is the special favorite and relative of the Governor.

The story, it must be said, received considerable credence, most of the active political workers realizing that for some time Laimbeer would be in a position to dictate not only to party politicians in Kings county, but throughout the State.

At the same time there is a sure to be in hostility to the choice of Laimbeer as head of the executive committee, even if he is the special favorite and relative of